



Conditional permits before discretionary approval is obtained

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It is possible to request a Conditional Permit for footing and foundation or alteration permits while awaiting a discretionary approval such as Board of Zoning Appeals (BOZA), Planned Developments, Vacations, and Subdivisions or Certified Survey Maps. The permit allows the applicant to conditionally begin construction before the respective review entity has made its decision.

Conditional permits are granted at the discretion of the Department of City Development. The permit is granted only when exceptional, extraordinary or unusual circumstances exist that pose a serious hardship if the applicant is required to wait for the respective review entity action. **The issuance of a conditional permit is not a guarantee that the outcome is in favor of the applicant. The applicant assumes the risk of an unfavorable decision.**

A Conditional Permit cannot be issued without aldermanic support. **Prior to submitting an application for a Conditional Permit**, speak with the local Alderperson to seek assurance that he or she supports the issuance of a Conditional Permit. Ask the Alderperson's office to call the Development Center Manager, to convey his or her support.

The Alderman may also require letters of support from abutting property owners and, where relevant, merchant's groups. The alderman may also wish to convene a meeting of area stakeholders.

To be considered for a conditional permit, an applicant must:

- 1) Apply for a plan review and pay the required fees. The plan review submittal must be complete and code compliant.

- 2) Receive the referral letter, when applicable, from the Plan Examination section of the Department of City Development.
- 3) File a complete application for the approval being requested, and pay the appropriate fee.
- 4) Submit a "[Conditional Permit Request](#)" form along with the non-refundable \$157.10 fee to the Development Center. The form is available from the Development Center and on the website: www.mkedcd.org/build.

Each request for a Conditional Permit is reviewed to determine that:

- The local Alderperson supports the request.
- An application is on file.
- Plan review and other fees are paid.
- Staff has identified no unresolved concerns about the impact of the proposed construction on the neighborhood.
- An extraordinary circumstance exists that requires the remedy of a Conditional Permit.

If the Department agrees to issue a Conditional Permit, the applicant is required to sign a "hold harmless" statement stating that, should the respective review entity deny the request, the applicant will cease the activity within 30 days of the written decision and return the property to its original condition.

The application fee for a Conditional Permit is \$157.10 (includes the surcharge and processing fee) payable upon submission of the application.

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